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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

**LISAMARIA MARTINEZ,**

Plaintiff,

v.

**COUNTY OF ALAMEDA, MELISSA  
WILK, in her individual capacity, EVA HE,  
in her individual capacity, MARIA LAURA  
BRIONES, in her individual capacity,**

Defendants.

Case No. 3:20-cv-06570-TSH

**PLAINTIFF'S SUPPLEMENTAL  
STATEMENT OF UNDISPUTED FACTS  
IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT  
ON DECLARATORY RELIEF**

Hearing Date: January 5, 2023  
Hearing Time: 9:30am  
Courtroom: by Zoom video conference  
Judge: Hon. Thomas S. Hixson

**SUPPLEMENTAL STATEMENT OF UNDISPUTED FACTS**

Plaintiff Lisamaria Martinez submits the following Supplemental Statement of Undisputed Facts to support her Opposition to Defendant's Motion for Summary Judgment (ECF No. 63) that supplements and incorporates her previously filed Statement of Facts ¶¶ 1-42 (ECF No. 45):

43. The FBNS form in PDF format showing a "rev date" of 10/18, made available to the public online<sup>1</sup>, and relied on by Ms. Martinez on or around her visit to the CRO on March 29, 2019 was not accessible under any professional standard and could not be independently completed by a blind person who needs non-visual access through screen reader technology such as JAWS. (Decl. Of Karen McCall in Support of Pl.'s Statement of Facts and Oppo to Def.'s Mot. for Summ. J. on Declar. Relief ("McCall Expert Decl."), Exh. D at PL\_EXPERT0003, 0013.)

44. The FBNS form in PDF format showing a "rev date" of 4/21 and made available to the public online<sup>2</sup> was not accessible under any professional standard and could not be independently completed by a blind person who needs non-visual access through screen reader technology such as JAWS. (McCall Expert Decl., Exh. D at PL\_EXPERT0003, 0013.)

45. The most current FBNS form in PDF format showing a "rev date" of 11/22 and made available to the public online<sup>3</sup> is not accessible under any professional standard, cannot be independently completed by a blind person who needs non-visual access through screen reader technology such as JAWS, and represents a degradation on accessibility when compared to the previous one with a "rev date" of 4/21. (McCall Expert Decl., Exh. D at PL\_EXPERT0003, 0013; Decl. of Steven Clark in Support of Pl.'s Statement of Facts and Oppo to Def.'s Mot. for Summ. J. on Declar. Relief ("Clark Expert Decl."), Exh. B at PL\_EXPERT0027); *see also* Def.'s Suppl. Statement of Facts in Support of Motion for Summary Judgment ¶ 9, ECF No. 63-1.)

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<sup>1</sup> <https://web.archive.org/web/20190214191025/http://acgov.org:80/forms/auditor/275-321.pdf>

<sup>2</sup> <https://web.archive.org/web/20220813030306/http://acgov.org/forms/auditor/GBNS275-321Rev04-21-2021fillable.pdf>

<sup>3</sup> <https://web.archive.org/web/20221209002203/http://acgov.org/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REV111422.pdf> and <http://co.alameda.ca.us/forms/auditor/GBNS275-321FictitiousBusinessNameStatement-REV111422.pdf>

46. The most current electronic FBNS form available online<sup>4</sup> in PDF format has instructions that could be read at least in part by a screen reader, but the form fields could not be completed or filled out with a screen reader. (Decl. of Lucia Greco in Support of Pl.’s Statement of Facts and Oppo. to Def.’s Mot. for Summ. J. on Declar. Relief (“Greco Decl.”) ¶¶ 12-13.)

47. Any of the versions of the electronic FBNS form in PDF format, which Defendants admit they downloaded from their website onto the reserve kiosk for blind people in the CRO (*see* Def.’s Suppl. Statement of Facts in Support of Motion for Summary Judgment ¶ 9, ECF No. 63-1), cannot be independently completed by a blind person with JAWS or another screen reader even if the instructions or some elements can be read by JAWS. (McCall Expert Decl., Exh. D at PL\_EXPERT0003, 0013; Clark Expert Decl., Exh. B at PL\_EXPERT0027; Greco Decl. ¶¶ 12-13.)

48. The entire process of transcribing dictated information onto an FBNS form with the CRO staff member acting as a scribe took less than five minutes to complete. (Greco Decl. ¶ 9.)

49. Providing scribe services at the CRO is already readily workable, fast, and effective, as demonstrated by current CRO staff’s capacity to provide this auxiliary aid or service when requested by some blind people. (Greco Decl. ¶¶ 2-II.)

DATED: December 22, 2022

Respectfully submitted,

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/s/ Timothy Elder

Timothy Elder

*Attorneys for Plaintiff*

<sup>4</sup> GBNS275-321FictitiousBusinessNameStatement-REV111422.pdf” available from the website at <http://www.acgov.org/auditor/clerk/fbnforms.htm>.